

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

STATE OF LOUISIANA, *et al.*,

Plaintiffs,

v.

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Defendant.

Case No. 2:24-cv-629

UNITED STATES CONFERENCE OF
CATHOLIC BISHOPS, *et al.*,

Plaintiffs,

v.

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION, *et al.*,

Defendants.

Case No. 2:24-cv-691

**DEFENDANTS' NOTICE REGARDING SUBMISSION OF PROPOSED
CONSOLIDATION ORDER**

At the joint hearing in the above cases held on June 5, 2024, this Court concluded that “proceeding with these cases in a consolidated fashion makes sense and would promote efficiency,” and thus “the cases will proceed in a consolidated fashion throughout discovery and motion practice,” but the Court “reserve[d] judgment on whether trials would be better to be held separately or together[.]” Tr. of June 5, 2024 Hr’g at 5-6. The Court further stated that it would “entertain proposed consolidation orders by the parties,” which should be filed “on or before June 26th.” *Id.* at 6.

Defendants hereby respectfully provide notice that they are submitting a proposed consolidation order, attached hereto. This proposed consolidation order formally consolidates the cases for purposes of discovery and pre-trial motion practice, but reserves judgment on whether to

consolidate the cases for any trial. As recognized by the Court at the June 5 hearing, all parties agree that the two cases should retain their separate identities, *id.* at 5, and this proposed consolidation order confirms as much.

Additionally, because one of the purposes of consolidation is for “deadlines for motion practice [to] move[] forward in a consolidated fashion,” *id.* at 6, Defendants respectfully submit that their deadline for responding to the Complaints in both cases should be July 29, 2024. Because the United States is afforded 60 days to respond to the Complaint after service on the United States Attorney, *see* Fed. R. Civ. P. 12(a)(2), Defendants’ response to the *Louisiana* Complaint is currently due July 16, 2024, *see Louisiana*, ECF No. 10 at 2 (reflecting service on the United States Attorney on May 17, 2024), and Defendants’ response to the *United States Conference of Catholic Bishops (Bishops)* Complaint is currently due July 29, 2024, *see Bishops*, ECF No. 54 at 2 (reflecting service on the United States Attorney on May 29, 2024).

Setting Defendants’ response deadline for both Complaints to be July 29 is the most efficient course, to ensure that briefing unfolds simultaneously to the extent Defendants respond to the Complaints with motions to dismiss. Additionally, providing Defendants until July 29 to respond will also afford time for the parties to meet-and-confer about whether a stay of district court proceedings is appropriate to the extent Defendants file a notice of appeal regarding this Court’s preliminary injunction order. The United States is provided 60 days to file a notice of appeal, which here means that any notice of appeal of this Court’s June 17 Order would be due August 16, 2024. *See* 28 U.S.C. § 2107(b); Fed. R. App. 4(a)(1)(B)(iii). And authorization for the United States to appeal must be determined by the Solicitor General. *See* 28 C.F.R. § 0.20(b). Defendants reserve the right to request an extension of their response deadline beyond July 29, as appropriate, depending on the posture of these cases at that time. For purposes of this consolidation order, however, Defendants respectfully submit that July 29 is the more efficient deadline to select.

Given the prospects of a potential appeal, motion to dismiss, and/or request for a stay of further proceedings pending any appeal that is authorized and filed, Defendants respectfully submit that the Court need not enter a scheduling order governing further district court proceedings at this

time. Consistent with the parties' earlier positions and the Court's statements at the June 5 hearing, however, Defendants have no objection to entry of the consolidation order at this time.

Dated: June 26, 2024

Respectfully submitted,

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